

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

VIACOM INTERNATIONAL INC., COMEDY)	
PARTNERS, COUNTRY MUSIC)	
TELEVISION, INC., PARAMOUNT)	
PICTURES CORPORATION, and BLACK)	
ENTERTAINMENT TELEVISION LLC,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 1:07CV02103
)	
YOUTUBE, INC., YOUTUBE, LLC,)	
and GOOGLE, INC.,)	
)	
Defendants.)	
)	
THE FOOTBALL ASSOCIATION PREMIER)	
LEAGUE LIMITED, BOURNE CO., et al.,)	
on behalf of themselves and all)	
others similarly situated,)	
)	
Plaintiffs,)	
)	
vs.))	Case No. 07CV3582
)	
YOUTUBE, INC., YOUTUBE, LLC, and)	
GOOGLE, INC.,)	
)	
Defendants.)	
)	
<hr/>		
DEPOSITION OF ALEX ELLERSON		
NEW YORK, NEW YORK		
Friday, May 22, 2009		

JOB NO: 16902

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May 22, 2009

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9:28 a.m.

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VIDEOTAPED DEPOSITION OF ALEX

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ELLERSON, held at the offices of Proskauer

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Rose, LLP, 1585 Broadway, New York,

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New York, pursuant to notice, before Erica

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L. Ruggieri, Registered Professional

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Reporter and Notary Public of the State of

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New York.

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DAVID FELDMAN WORLDWIDE, INC.

805 Third Avenue, New York, New York 10022 (212) 705-8585

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A P P E A R A N C E S

FOR THE VIACOM PLAINTIFFS:

JENNER & BLOCK, LLP

BY: SUSAN KOHLMANN, ESQ.

919 Third Avenue, 37th floor
New York, New York 10017-2024
(212) 355-9500
Skohlmann@jenner.com

FOR THE CLASS PLAINTIFFS IN THE PREMIER
LEAGUE ACTION:

PROSKAUER ROSE, LLP

BY: NOAH SISKIND GITTERMAN, ESQ.

1585 Broadway
New York, New York 10036-8299
(212) 969-3727
Ngitterman@proskauer.com

FOR THE DEFENDANTS YOUTUBE, INC., YOUTUBE,
LLC and GOOGLE, INC.:

MAYER BROWN, LLP

BY: BRIAN WILLEN, ESQ.

1675 Broadway
New York, New York 10016
(212) 506-2146
Bwillen@mayerbrown.com

FOR THE WITNESS:

PERKINS COIE BROWN & BAIN

BY: TIMOTHY J. FRANKS, ESQ.

2901 N. Central Avenue
Phoenix, Arizona 85012
(602) 351-8390
Tfranks@perkinscoie.com

ALSO PRESENT:

CARLOS KING, Videographer

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IT IS HEREBY STIPULATED AND
AGREED, by and between counsel for the
respective parties hereto, that the
filing, sealing and certification of
the within deposition shall be and the
same are hereby waived;

IT IS FURTHER STIPULATED AND
AGREED that all objections, except as
to the form of the question, shall be
reserved to the time of the trial;

IT IS FURTHER STIPULATED AND
AGREED that the within deposition may
be signed before any Notary Public
with the same force and effect as if
signed and sworn to before the Court.

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THE VIDEOGRAPHER: Alex

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Ellerson, in the matter of Viacom

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International, Inc. and the Football

09:20:22

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Association Premier League versus

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YouTube, Inc. et al., in the United

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States District Court, for the

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Southern District of New York.

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This deposition is being held at

09:20:31

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1585 Broadway, New York, New York, on

11

May 22, 2009 at approximately

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9:20 a.m.

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My name is Carlos King, from the

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firm of David Feldman Worldwide, and

09:20:43

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I'm your legal video specialist. The

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court reporter is Erica Ruggieri, in

17

association with David Feldman

18

Worldwide.

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Will counsel please introduce

09:20:53

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themselves.

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MR. GITTERMAN: Noah Gitterman,

22

on behalf of the class plaintiffs in

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the Premier League action, from the

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Proskauer Rose firm.

09:21:02

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MS. KOHLMANN: Susan Kohlmann,

DAVID FELDMAN WORLDWIDE, INC.

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1 A. ELLERSON

2 from Jenner & Block, on behalf of the
3 Viacom plaintiffs.

09:21:08 4 MR. WILLEN: Brian Willen, from
5 Mayer Brown, on behalf of Google and
6 YouTube.

7 MR. FRANKS: Tim Franks, from
8 Perkins Coie Brown & Bain, on behalf
9 of the witness.

09:21:15 10 THE VIDEOGRAPHER: Will the
11 court reporter please swear in the
12 witness.

13 A L E X E L L E R S O N , called as a
14 witness, having been duly sworn by a
15 Notary Public, was examined and
16 testified as follows:

17 EXAMINATION BY

18 MR. GITTERMAN:

19 Q. Mr. Ellerson, good morning.

09:21:31 20 A. Good morning.

21 Q. Have you ever been deposed
22 before?

23 A. I have not.

24 Q. Have you ever taken a deposition
09:21:36 25 before?

A. ELLERSON

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DAVID FELDMAN WORLDWIDE, INC.

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A. ELLERSON

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DAVID FELDMAN WORLDWIDE, INC.

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A. ELLERSON

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DAVID FELDMAN WORLDWIDE, INC.

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A. ELLERSON

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